

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
2004 MAY 13 P 3:10

BOXCAR MEDIA, LLC, and)
RACEWAY MEDIA, LLC.,)
Plaintiffs,)
v.)
REDNECKJUNK, LLC,)
DR. THOMAS P. CONNELLY, and)
CONNELLY RACING, INC.,)
Defendants.)

U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION NO. 04-40051-NMG

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO EXTEND TIME FOR
DEFENDANTS TO SUBMIT OPPOSITION TO PLAINTIFFS' SUBMISSIONS**

Plaintiffs Boxcar Media, LLC and Raceway Media, LLC (hereinafter, collectively, "Racingjunk") hereby oppose the "Defendants' Motion to Extend Time for Defendants to Submit Opposition to Plaintiffs' Submissions," because Racingjunk has an urgent pending motion for a preliminary injunction,¹ and because there is no legitimate basis offered by the Defendants for the relief requested. In further support of this opposition, Racingjunk states:

1. Defendants failed to conference this motion, or even attempt to reach Racingjunk's counsel prior to filing the motion, in violation of L.R. 7.1(A)(2).
2. Defendants' sole basis for now moving to extend the time to respond to motions that were filed and were in the possession of Defendants' counsel on May 3, 2004, is that one of the Defendants' counsel is moving his office this weekend. Defendants are represented by two

¹ Racingjunk originally filed an emergency motion for a preliminary injunction in Worcester Superior Court on March 30, 2004, and the Superior Court set a deadline of April 9, 2004, for the Defendants to respond to that motion, with a hearing date of April 14, 2004. Rather than oppose the preliminary injunction motion in a timely fashion, the Defendants ignored the Superior Court's deadline and removed the case to this Court on April 14, 2004. In an effort to facilitate the resolution of its pending preliminary injunction motion before this Court, Racingjunk re-filed its motion in this Court on April 14, 2004, with a request to accelerate the time within which the Defendants must respond to the motion and emergency request for a hearing date. The Defendants finally opposed the preliminary injunction motion on April 28, 2004, over two weeks after their opposition was originally due. Racingjunk then moved on May 3, 2004, for leave to file a reply brief, based upon the Defendants' admissions and misstatements of law, and moved to supplement the record based upon recent events making the relief sought by Racingjunk even more urgent.

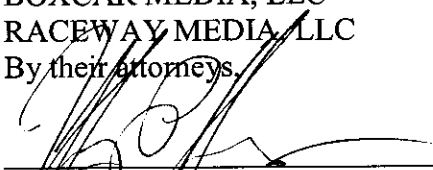
separate counsel in two separate offices, Mr. Casey and Ms. Sifleet. There is no need for an additional week to respond to motions pending before the Court since May 3, based upon Mr. Casey's change of office.

3. Further delays are very prejudicial to Racingjunk given the continuing urgency of Racingjunk's pending motion for a preliminary injunction, and Defendants' aggressive activities with respect to their use of the infringing marks.

4. Contrary to the Defendants' representation in its motion, this Court has not set a deadline of May 17, 2004 for any further submission the Defendants desire to file; rather, there is simply the 14-day deadline imposed by L.R. 7.1(B)(2) for the Defendants to file an opposition, if any, to the Plaintiffs' motions (1) to dismiss the Defendants' Counterclaims; (2) to file a reply brief regarding the preliminary injunction motion pending before the Court; and (3) to supplement the record on the preliminary injunction motion. The Court has not granted leave for the Defendants to file any other document.

WHEREFORE, Plaintiffs respectfully request that the Defendants' motion to extend time be DENIED.

Respectfully submitted,
BOXCAR MEDIA, LLC
RACEWAY MEDIA, LLC
By their attorneys.



Brenda M. Cotter (BBO #548004)
Jeffrey P. Hermes (BBO #637952)
Amanda C. Basta (BBO #655037)
BROWN RUDNICK BERLACK ISRAELS LLP
One Financial Center
Boston, MA 02111
(617) 856-8200

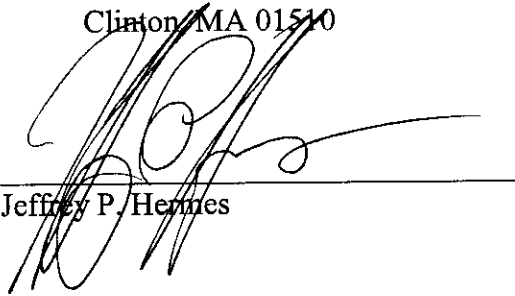
Dated: May 13, 2004

CERTIFICATE OF SERVICE

I, Jeffrey P. Hermes, counsel for the plaintiffs, do hereby certify that on this day, May 13, 2004, I served a copy of the foregoing document by mail and electronic mail to counsel for the defendants:

Robert F. Casey, Jr., Esq.
ROBERT F. CASEY, JR., P.C.
Shaker Place
233 Ayer Road – Suite 12
Harvard, MA 01451

Jean D. Sifleet, Esq.
120 South Meadow Road
Clinton, MA 01510



Jeffrey P. Hermes

Dated: May 13, 2004

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